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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,599	05/08/2001	Yukio Isobe	16869S019510	2606

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,599

Applicant(s)

ISOBE ET AL.

Examiner

Vincent F. Boccio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 5/23/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 24-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-15, 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/3/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments with respect to amended claims 14-15 and 24-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-15 and 25-26, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP 09-176447/[24.06.1997]).

Regarding claim 14-15, 28, Suzuki discloses and meets the limitations associated with an information repairing method for a recording apparatus for recording data on a disk, the method comprising the steps of:

- storing status indicative of an operating status for recording (Abstract, "When data is recorded in a disk, the FDB is set to 0X42);
- reading out the status, after the recording (only there in view of a recording operation);
- repairing the management information, if status corresponds and repairing the data based on the status (see detailed Description pages 9-10 etc....., "various adjustment judging's, .. file management ..

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adjusting of the data in a file), acquiring the management information is a part of information of the data OR PACKS, is not reflected yet in the management and analyzing a location wherein the data is not reflected yet and repairing the management information ([0103], [0101], [0100], [0099], [0098], [0096], etc.....).

Regarding claim 26, Suzuki meets the limitation of management information recorded after completion of recording of data (abstract, "After the writing of the data is finished, its value is rewritten to be 0", indicating a completion or a finished, of a recording operation, status information).

Further regarding claims 14, and claim 25, Suzuki discloses at page 4 of Detailed Description (DD), [0039], "The data input section 7 inputs various kinds of data a digital interface ... A/D converter etc.", therefore, discloses encoded by analog to digital conversion, or encoded digital data,

but, fails to disclose the data being multiplexed picture/sound.

The examiner takes official notice that multiplexed picture and sound are well known and deemed obvious to utilize in Suzuki, as suggested by Suzuki and what is deemed obvious to those skilled in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Suzuki by recording multiplexed picture and sound, by providing for a means to receive or multiplex picture and sound, as is obvious to those skilled in the art with Suzuki in front of themselves to utilize and record a multiplexed picture and sound stream, as is deemed obvious to those skilled in the art.

Regarding claim 29, Suzuki further meets the limitations of

- analyzing the data ([0096-]);
- deleting a unit containing the defect ([0098] clusters rewritten, therefore, the data is deleted by being written over or re-written); and
- modifying the management information in accordance with the unit deleted ([0099-0103]).

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Regarding claim 30, Suzuki discloses elimination processing ([0057]), which would indicate separate independent units of data,

but, fails to particularly disclose wherein the data (picture/sound) are a series of objects including at least a first, second and third units, wherein each unit is independent, if second unit is deleted by repairing.

In other words since the units are independent units between can be removed.

The examiner takes official notice that objects can be any one of a movie, VOB, cell even a MPEG/GOP or other, these types of units can be removed or deleted, without affecting other units, because each unit is independent and does not require other units to be reproduced or even recorded.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to in view of **Suzuki** to utilize a format with independent objects of some kind, thereby during elimination processing of a series 3 objects, a middle can be removed in view of being objects being independent such as groups of picture in MPEG, are independently decodable objects, as is obvious to those skilled in the art

Regarding claim 31, Suzuki disclose and meets the limitations of having status indicating status (abstract),

- indicating picture/sound recorded successfully (abstract, code "0" or UTOC or directory);
- management information recorded to disk (see TOC, [0003-...]);
- status not recorded (abstract code 0X42).

3. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP 09-176447/[24.06.1997]) in view of Ohmido (US 5,511,183).

Regarding claims 24 and 27, Suzuki provides for storing status information, such as memory 3, but, fails to particularly disclose the memory 3 being non-volatile and fails to particularly disclose interruption of power.

Ohmido teaches in the abstract, using a non-volatile memory storing status, while operating and performing recovery with the

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status in the non-volatile memory after turning off power and later powering back up, as taught by Ohmido.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify **Suzuki** utilizing a non-volatile memory storing status for recovery, when power is turned off, thereby using the status for recovery, as taught by Ohmido.

Restriction Of New Claims

2. Newly submitted claims 32-39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Based in the limitation being an editing system embodiment, claim 32, recites, "delete the management information stored in the second storage unit base at least on information in the third storage unit indicative of whether the moving picture or the still picture is edited."

Since applicant has received an action on the merits for the based in a restriction of election of an embodiment, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32- withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05.

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
8/7/06


VINCENT BOCCIO
PRIMARY EXAMINER

*Approved Vary
8/5/06*

FIG. 17

CODE	MEANING	
0	NORMAL END STATUS	2500
1	STREAM WRITE STATUS	2510
2	IFO WRITE STATUS	2520
3	BUP WRITE STATUS	2530